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6 Attorneys for Plaintiffs

7
8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 GIL CROSTHWAITE, et al., as Trustees of the
12 OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
13 CALIFORNIA, et al.,

14 Plaintiffs,

15 v.

16 KICKIN ENTERPRISES, INC., and STEVE
17 LAWRENCE SCHALLER,

18 Defendants.

Case No.: C07-6460 WDB

**DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE
and
REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE**

19
20 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

21 The undersigned party hereby declines to consent to the assignment of this case to a United
22 States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case
23 to a United States District Judge.
24

25 Dated: January 2, 2008

Respectfully submitted,
SALTZMAN & JOHNSON LAW CORPORATION

26
27 _____/s/_____
Muriel B. Kaplan
Attorneys for Plaintiffs
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MAGISTRATE DECLINATION
Case No.: C07-6460 WDB

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 120 Howard Street, Suite 520, San Francisco, California 94105.

On January 3, 2008, I served the following document(s):

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE and
REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Steve L. Schaller
Agent for Service of Process
Kickin Enterprises, Inc.
8865 Airport Blvd., Suite D
Redding, California 96002**

**Steve L. Schaller
8865 Airport Blvd., Suite D
Redding, California 96002**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 3rd day of January, 2008, at San Francisco, California.

_____/s/_____
Vanessa de Fábrega